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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/964,081	09/25/2001	Mikio Shiraishi	2102487-991150	2437	
26379 75	90 08/16/2004		EXAM	INER	
GRAY CARY WARE & FREIDENRICH LLP			MALZAHN	MALZAHN, DAVID H	
	2000 UNIVERSITY AVENUE E. PALO ALTO, CA 94303-2248		ART UNIT	PAPER NUMBER	
	,		2124		
			DATE MAILED: 08/16/2004	4	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No. Applicant(s)				
	09/964,081	SHIRAISHI, MIKIO			
Office Action Summary	Examiner	Art Unit			
	David H. Malzahn	2124			
The MAILING DATE of this communicatio Period for Reply	n appears on the cover sheet w	ith the correspondence address			
A SHORTENED STATUTORY PERIOD FOR R THE MAILING DATE OF THIS COMMUNICAT!  - Extensions of time may be available under the provisions of 37 C after SIX (6) MONTHS from the mailing date of this communicati  - If the period for reply specified above is less than thirty (30) days  - If NO period for reply is specified above, the maximum statutory  - Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ON. FR 1.136(a). In no event, however, may a on. , a reply within the statutory minimum of thin period will apply and will expire SIX (6) MON statute, cause the application to become Al	reply be timely filed ty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on					
2a) ☐ This action is <b>FINAL</b> . 2b) ☒ This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is					
closed in accordance with the practice un	der <i>Ex parte Quayl</i> e, 1935 C.D	D. 11, 453 O.G. 213.			
Disposition of Claims					
4) Claim(s) 1-45 is/are pending in the applic	ation.				
4a) Of the above claim(s) is/are withdrawn from consideration.					
5)⊠ Claim(s) <u>4-7 and 14-45</u> is/are allowed.					
6)⊠ Claim(s) <u>1-3 and 8-13</u> is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction a	and/or election requirement.				
Application Papers					
9) The specification is objected to by the Exa	aminer.				
10)⊠ The drawing(s) filed on 25 September 200	<u>01</u> is/are: a)⊡ accepted or b)[	☑ objected to by the Examiner.			
Applicant may not request that any objection t	to the drawing(s) be held in abeya	nce. See 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the o	correction is required if the drawing	g(s) is objected to. See 37 CFR 1.121(d).			
11)☐ The oath or declaration is objected to by t	he Examiner. Note the attache	d Office Action or form PTO-152.			
Priority under 35 U.S.C. § 119					
<ul> <li>12) Acknowledgment is made of a claim for for a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority docu</li> <li>2. Certified copies of the priority docu</li> </ul>	ments have been received.				
<ol><li>Copies of the certified copies of the</li></ol>	e priority documents have beer	received in this National Stage			
application from the International B					
* See the attached detailed Office action for	a list of the certified copies not	received.			
Attachment(s)	<b>5</b> □14 ·	O (DTO 442)			
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-943)</li> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SPaper No(s)/Mail Date 9/25/01.</li> </ol>	(8) Paper No	Summary (PTO-413) 's)/Mail Date Informal Patent Application (PTO-152)			
	,				

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#### DETAILED ACTION

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishitani et al (Nishitani) 4,379,338.

Nishitani digital filter includes an addition circuit (e.g. adder 5 of Fig. 2) whose result is checked for overflow by an overflow detection circuit (overflow detector 4, 1, 2 and 3 of Fig. 2) and when a positive or negative overflow occurs the result is set to the maximum or minimum, respectively (note the outputs 9 and 10). Relative to claim 3 the setting to the maximum or minimum is rounding.

## Claim Rejections - 35 USC § 112

3. Claims 8-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Lines 3-4 of claim 8 and 9 are mis-descriptive because the overflow detecting circuit does not comprise a logical inversion circuit that inverts the carry signals, note Figs. 5-7, 9, 10

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and 12. The elements of claim 10 fail to be clearly related to the elements of claim 4. Similarly note claims 11-13.

### Allowable Subject Matter

- 4. Claims 4-7 and 14-45 are allowed.
- 5. Claims 8-13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

### Specification

- 6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
- 7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

## **Drawings**

8. It appears that Fig. 37 should be labeled "Prior Art".

#### Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Malzahn whose telephone number is (703) 305-9762. The examiner can normally be reached on M-Th from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on 703-305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David H. Malzahn Primary Examiner Art Unit 2124